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**ANTONELLI,
TERRY, STOUT & KRAUS, LLP****RECEIVED
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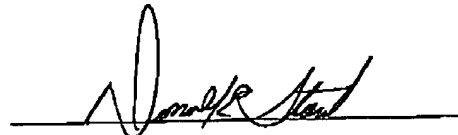
To: Hon. Commissioner of Patents
Attn: Examiner Saba Tsegaye
Group: 2662

From: Donald E. Stout**Fax: (703) 872-9306****Pages: 19 pgs.****Phone: (703) 308-4745****Date: June 21, 2004****Re: U.S. Serial No. 10/025,609****CC:****Filed: December 26, 2001****ATS&K Ref: 730.39974X00**

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

I hereby certify that the following documents: (1) Fee Transmittal, (2) Credit Card Payment form, (3) Petition for Extension of Time - 2 Mos., and (4) "Amendment Pursuant to 37 C.F.R. §1.116" (15 pages) are being facsimiled to the Patent and Trademark Office (Fax No. 703/ 872-9306 on June 21, 2004.



Donald E. Stout

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PTO/SB/17 (10-03)

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 420.00)

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit

Account

Number

Deposit

Account

Name

01-2135

Antonelli, Terry, Stout & Kraus, LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application.

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee | Small Entity Fee | Fee Description | Fee Paid |
|------------------|------------------|------------------------|----------|
| Code (\$) | Code (\$) | | |
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 180 | 2005 80 | Provisional filing fee | |

SUBTOTAL (1)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 39 | -39** = 0 | x | = |
| Indep. Claims | 3 | -3** = 0 | x |
| Multiple Dependent | | | = |

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description |
|---------------|---------------|---|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 88 | 2204 43 | Reissue independent claims over original patent |
| 1205 18 | 2205 9 | Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) \$

**or number previously paid, if greater. For Reissues, see above.

Complete If Known

Application Number 10/025,609
Filing Date December 26, 2001
First Named Inventor Liangchi Alan HSU
Examiner Name Saba Tsegaya
Art Unit 2662
Attorney Docket No. 730.39974X00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 150 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 2053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examination action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | 420.00 |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or release) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1406 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1808 180 | 1808 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2509 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

420.00

SUBMITTED BY

Name (Print/Type) Donald E. Stout

Signature

Registration No.
(Attorney/Agent)

26,422

Telephone

703-312-6600

Date

06/21/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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JUN 21 2004

Applicant(s): Liangchi Alan HSU

Serial No.: 10/025,609

Filed: December 26, 2001

For: METHOD AND APPARATUS OF SCHEDULING
AND MODULATION/CODING SELECTION FOR
SUPPORTING QUALITY OF SERVICE IN
CDMA2000-1XEV-DV SYSTEM

Art Unit: 2662

Examiner: Saba Tsegaye

AMENDMENT PURSUANT TO 37 C.F.R. §1.116 --
EXPEDITED PROCEDURE -- EXAMINING GROUP 2662**MAIL STOP AF**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 21, 2004

Sir:

This is in response to the Final Rejection of January 21, 2004. Please
amend the above-identified application as listed below and as set forth on the
following pages:

Amendments to the Claims

Remarks are included following the amendments